

Remarks/Arguments

Claims 22, 25, 27-28, 30 and 32-43 are pending in the present application. Claims 1-21, 23-24, 26, 29 and 31 have been cancelled. Claims 22, 25, 27-28, 30, 32-33 and 38-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwanenberg (USPN 6,095,381) in view of Baudin (USPN 6,089,411). Claims 34-37 have been considered objected for being dependent upon a rejected base claim but would be considered allowable if rewritten in independent form. A representative of the Applicant conducted a phone interview with the Examiner on May 21, 2009 wherein each of the independent claims 22, 42 and 43 pending were discussed along with the structure and the transition zone between Applicant's membrane and connecting wall and the embodiment of Applicant's Fig. 8 as compared to the prior art references. No firm resolution regarding the claims was determined at that time. Applicant respectfully disagrees with the current rejections and asserts the following:

Claims 22, 25, 27, 28, 30, 32, 33, and 38-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwanenberg in view of Baudin. Each of the independent claims 22, 42, and 43 have been amended to ensure that the language in the claims matches to the language used in the specification to describe the embodiment of Fig. 8. The amendment to the claims in this manner is not necessarily meant to narrow the claims significantly but to help clarify their meaning for purposes of examination and to those of ordinary skill in the art. Regarding the rejection of the claims under 35 U.S.C. § 103 Applicant will discuss the rejection in regard to each independent claim starting with independent claim 43 and then discussing claims 22 and 42. This is to stay consistent with

the way in which the independent claims were discussed during the interview with the Examiner and to help facilitate the memories of the interview.

Regarding independent claim 43 Applicant asserts that each and every limitation of claim 43 is not met by the prior art references and the rejection is overcome. Specifically, in part claim 43 requires "wherein in the transition zone between the membrane and the connecting wall an annular protrusion projects away from the container." Schwanenberg does not teach this limitation and instead teaches a border bead 10 in the transition zone between curved membrane 5 and the connecting wall 4. Thus, a continuous curved surface is presented in the transition zone between the membrane and connecting wall and not an annular protrusion as required by the claim and thus Applicant asserts the limitation is not met. Baudin does not cure Schwanenberg as best seen in Figs. 8-9 Baudin teaches a direct connection between membrane 42 and a retaining ring or peripheral bulge 41. Even if a connecting wall exists between the two, at best this connecting wall does not contain an annular protrusion as required by the claim. Thus, this claim limitation is not met by the prior art references and the rejection is considered overcome.

Applicant additionally asserts that independent claim 22 has been amended so that each and every limitation of the claim is not taught individually or in combination by the prior art references. Specifically, claim 22 has been amended to require "the upwardly curved area merges with an annular protrusion into the membrane so that a transition zone between the connecting wall and the membrane is configured in a hinge-like manner." Similar to above this claim limitation requires an annular protrusion to be in the transition zone between the membrane and

connecting wall whereas argued above, neither of the prior art references teach this limitation. Therefore, the rejection is considered overcome.

Applicant additionally asserts that amended claim 42 is not obvious in view of the prior art references because a combination of the prior art references will not teach each and every limitation of the amended claim. Independent claim 42 has been amended to require "wherein a transition zone between the connecting wall and the membrane is configured such that the torque that is transferred from said connecting wall to said membrane is reduced as compared to a self-closing valve that has a continuous curved surface in the transition zone between a membrane and connecting wall." As asserted above Schwanenberg presents a continuous curved surface in the transition zone between its membrane and connecting wall and as a result this limitation is not met. Similarly, as argued above Baudin does not teach a connecting wall as the membrane is directly connected to bulge 41 and even if a connecting wall is considered presented, no annular protrusion or other structure that would reduce torque as compared to a self-closing valve that has a continuous curved surface is presented and as a result this limitation is not met. Thus, Applicant asserts that independent claim 42 additionally presents allowable subject matter.

As the result of the arguments Applicant asserts each independent claim presents allowable subject matter. Additionally, dependent claims 25, 27-28, 30, and 32-41 depend on claim 22 and for at least this reason also presents allowable subject matter. Therefore, Applicant respectfully requests allowance of all claims.

Conclusion

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

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